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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/589,589

Examiner

Brian Whiteman

Applicant(s)

HIGH ET AL.

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 2/3/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Cont.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ola/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Cont. 4. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 2/18/05. The submission, however, is not fully responsive to the prior Office action mailed on 7/29/04 because the status identifiers of claims 6, 8, 17, 18, and 25 are incorrect and a marked-up copy of claims 12, 13, 14 is incorrect as stated in the Office action mailed on 7/29/04. Claim 6 was amended in the response filed on 5/10/04, however, claim 6 had an incorrect status identifier (amended). Suggest providing the correct status identifier for claim 6 (currently amended) and underlining encoding said blood coagulation protein on line 4. Claim 8 has an incorrect status identifier and the status identifier should be (currently amended) and a marked-up copy showing that the claim now depends on claim 3 instead of claim 5. The status of claim 12 is correct but the claim does not display the amendment to the claim filed on 5/10/04. In addition, to the current amendment to claim 12, please underline "mammal" on lines 2 and 4 and the term "the same species as said mammal" on lines 6 and 7 and add a strikethrough of human on lines 2, 3 and 6 and a strikethrough of "or" after the term gene therapy on lines 5-6 as indicated in the response filed on 5/10/04. Claim 13 has a correct status identifier but the marked-up of the claim in the response filed on 5/10/04 is missing. Please indicate that "or" after the term "gene therapy" on line 6 was deleted from the claim by providing the the term "or" with a strikethrough. Claim 14 is missing the marked-up of the claim in the response filed on 5/10/04. Please indicate the term "or" after the term "gene therapy" on line 5 was removed from claim 14. Please provide the correct status identifier for claims 17, 18 and 25 (currently amended). In addition, please indicate that claim 17 is now dependent on claim 40 instead of claim 18 as recited in the amendment filed on 5/10/04. Please indicate that claim 18 is dependent on claim 16 instead of claim 17 as shown in the amendment filed on 5/10/04. Please indicate that claim 25 is dependent on claim 12 instead of claim 13 as shown in in the amendment filed on 5/10/04.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

*Daniel H. Hemen*